

REMARKS

Applicants hereby traverse the current rejections, and request reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 1-35 are pending in this application.

Rejection Under 35 U.S.C. § 112

Claims 1-35 stand rejected under 35 U.S.C. § 112, first paragraph as containing subject matter not found in the specification. Specifically, the Office Action states that the limitations of claims 1, 13, 16, and 26, specifically the phrase “which is independent of a format used by the source platform code or on the one or more target platforms” is not supported by the specification and is new matter.

In regards to claims 1, 16, and 26, Applicants respectfully disagree. Applicants note that while the word “independent” is not explicitly stated in the specification, one skilled in the art would appreciate that it is clearly implicit or inherent from the disclosure. However, to advance prosecution Applicants have amended claims 1, 16, 26 to change “independent of” to “different from”. Applicants note that the specification clearly supports the phrase “different from”. For example, at paragraph [0013], one example states that the source platform operates with COBOL language files, while the target platform operates with JAVA language files, and at paragraph [0021], an example of the intermediate format is XML. Thus, it is clear that the source, target, and intermediate formats are different. Consequently, Applicants respectfully request the rejection of claims 1-12 and 16-35 under 35 U.S.C. § 112, first paragraph be withdrawn.

In regards to claim 13, Applicants have amended claims 13-15 to return claims 13-15 to their as-filed state. Consequently, Applicants respectfully request the rejection of claims 13-15 under 35 U.S.C. § 112, first paragraph be withdrawn.

Rejection Under 35 U.S.C. § 102

Claims 1-4, 9-16, 18-23, and 26-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by Vargas (US Pub. 2004/0103405).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully assert that the rejection does not satisfy these requirements.

Claim 1, as amended, defines a method for converting data suitable for use on a source platform into data suitable for use on one or more target platforms. The method includes representing the extracted system model information in a generic reusable intermediate data format which is different from a format used by the source platform code and on the one or more target platforms. Vargas does not disclose at least these limitations. The Office Action cites paragraphs [0047] and [0110] as disclosing this limitation. However, paragraph [0047] merely discusses a source unit DOM, and does not state that the DOM has a different format from the source and the target platforms. Moreover, Applicants note that line 13 of paragraph [0047] indicates that the source unit DOM has the same format as the source platform. Furthermore, paragraph [0110] merely discusses parsing the source code file into a source unit DOM and does not state that the DOM has a different format from the source and the target platforms. Thus, Vargas does not teach the all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 1 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 13, as amended, defines a mechanism for migrating computer code from a source platform to one or more target platforms that includes means for reverse engineering said prepared source files into an intermediate code. Vargas does not disclose at least these limitations. No section of Vargas appears to disclose using reverse engineering. While Vargas discusses having the process of converting the source files into the target language, see paragraph [0100], this is not the same as having a means for reverse engineering the source files into an intermediate code. Thus, Vargas does not teach the all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 13 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 16, as amended, defines a computer program product having a computer readable medium having computer program logic recorded thereon for transforming code suitable for use on a source platform to code suitable for use on one or more target platforms. The computer program product includes code for representing the extracted system model information in a generic reusable intermediate data format which is different from a format used by the source platform code and on the one or more target platforms. Vargas does not disclose at least these limitations. The Office Action cites paragraphs [0047] and [0110] as disclosing this limitation. However, paragraph [0047] merely discusses a source unit DOM, and does not state that the DOM has a different format from the source and the target platforms. Moreover, Applicants note that line 13 of paragraph [0047] indicates that the source unit DOM has the same format as the source platform. Furthermore, paragraph [0110] merely discusses parsing the source code file into a source unit DOM and does not state that the DOM has a different format from the source and the target platforms. Thus, Vargas does not teach the all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 16 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 26, as amended, defines a data processing system for transforming a computer program written for a source platform to a computer program written for one or more target platforms that comprises a memory storing a transformation program operating to represent the

extracted system model information in a generic reusable intermediate data format which is different from a format used by the source platform and on the one or more target platforms. Vargas does not disclose at least these limitations. The Office Action cites paragraphs [0047] and [0110] as disclosing this limitation. However, paragraph [0047] merely discusses a source unit DOM, and does not state that the DOM has a different format from the source and the target platforms. Moreover, Applicants note that line 13 of paragraph [0047] indicates that the source unit DOM has the same format as the source platform. Furthermore, paragraph [0110] merely discusses parsing the source code file into a source unit DOM and does not state that the DOM has a different format from the source and the target platforms. Thus, Vargas does not teach the all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 26 is patentable over the 35 U.S.C. § 102 rejection of record.

Claims 2-4, 9-12, 14-15, 18-23, and 27-35 depend from base claims 1, 13, 16, and 26, respectively, and thus inherit all limitations of their respective base claim. Each of claims 2-4, 9-12, 14-15, 18-23, and 27-35 sets forth features and limitations not recited by Vargas. Thus, the Applicants respectfully assert that for the above reasons claims 2-4, 9-12, 14-15, 18-23, and 27-35 are patentable over the 35 U.S.C. § 102 rejection of record.

Rejections Under 35 U.S.C. § 103

Claims 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vargas in view of Reid et al. (US '592, hereinafter Reid).

Claims 17 and 24-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vargas in view of Li (US '549).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the first and second criteria, Applicants assert that the rejections do not satisfy the third criteria.

The Office Action admits that Vargas does not teach having various limitations. The Office Action attempts to cure this deficiency by introducing Reid and Li, which the Office Action alleges to teach having such limitations. However, these combinations, as presented, do not teach or suggest all limitations of the claimed invention.

Base claims 1 and 16 are defined as described above. Vargas does not disclose these limitations, as discussed above. Neither Reid nor Li are relied upon in the Office Action as disclosing these limitations. Therefore, the combinations of Vargas and Reid, and Vargas and Li do not teach all elements of the claimed invention.

Claims 5-8, 17, and 24-25 depend from base claims 1 and 16, respectively, and thus inherit all limitations of their respective base claim. Each of claims 5-8, 17, and 24-25 sets forth features and limitations not recited by the combinations of Vargas with Reid and Li. Thus, the Applicants respectfully assert that for the above reasons claims 5-8, 17, and 24-25 are patentable over the 35 U.S.C. § 103(a) rejections of record.

Conclusion

In view of the above, Applicants believe the pending Application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 200310440-1 from which the undersigned is authorized to draw.

Dated: January 15, 2008

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 15, 2008

Signature: Joy H. Perigo
Joy H. Perigo

Respectfully submitted,

By 

Michael A. Papalas

Registration No.: 40,381

Attorney for Applicant

(214) 855-8186